

**As Introduced**

**131st General Assembly  
Regular Session  
2015-2016**

**S. B. No. 3**

**Senators Hite, Faber**

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**A BILL**

To amend sections 3301.079, 3301.0711, 3301.0715, 1  
3302.02, 3302.03, 3302.13, 3313.46, 3313.72, 2  
3314.03, 3326.11, and 3328.24 and to enact 3  
sections 3301.0728 and 3302.16 of the Revised 4  
Code to exempt high-performing school districts 5  
from certain laws; to revise the law regarding 6  
the administration of state primary and 7  
secondary education assessments; to permit 8  
school districts to contract with hospitals, 9  
health care professionals, and educational 10  
service centers for school health services; to 11  
revise the competitive bidding threshold for 12  
school building and repair contracts; and to 13  
require the School Facilities Commission to 14  
develop a legislative proposal assisting high- 15  
performing school districts in purchasing 16  
technology, building expansion, and physical 17  
alterations to improve school safety or 18  
security. 19

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 3301.079, 3301.0711, 3301.0715, 20

3302.02, 3302.03, 3302.13, 3313.46, 3313.72, 3314.03, 3326.11, 21  
and 3328.24 be amended and sections 3301.0728 and 3302.16 of the 22  
Revised Code be enacted to read as follows: 23

**Sec. 3301.079.** (A) (1) The state board of education 24  
periodically shall adopt statewide academic standards with 25  
emphasis on coherence, focus, and essential knowledge and that 26  
are more challenging and demanding when compared to 27  
international standards for each of grades kindergarten through 28  
twelve in English language arts, mathematics, science, and 29  
social studies. 30

(a) The state board shall ensure that the standards do all 31  
of the following: 32

(i) Include the essential academic content and skills that 33  
students are expected to know and be able to do at each grade 34  
level that will allow each student to be prepared for 35  
postsecondary instruction and the workplace for success in the 36  
twenty-first century; 37

(ii) Include the development of skill sets that promote 38  
information, media, and technological literacy; 39

(iii) Include interdisciplinary, project-based, real-world 40  
learning opportunities; 41

(iv) Instill life-long learning by providing essential 42  
knowledge and skills based in the liberal arts tradition, as 43  
well as science, technology, engineering, mathematics, and 44  
career-technical education; 45

(v) Be clearly written, transparent, and understandable by 46  
parents, educators, and the general public. 47

(b) Not later than July 1, 2012, the state board shall 48

incorporate into the social studies standards for grades four to 49  
twelve academic content regarding the original texts of the 50  
Declaration of Independence, the Northwest Ordinance, the 51  
Constitution of the United States and its amendments, with 52  
emphasis on the Bill of Rights, and the Ohio Constitution, and 53  
their original context. The state board shall revise the model 54  
curricula and achievement assessments adopted under divisions 55  
(B) and (C) of this section as necessary to reflect the 56  
additional American history and American government content. The 57  
state board shall make available a list of suggested grade- 58  
appropriate supplemental readings that place the documents 59  
prescribed by this division in their historical context, which 60  
teachers may use as a resource to assist students in reading the 61  
documents within that context. 62

(c) When the state board adopts or revises academic 63  
content standards in social studies, American history, American 64  
government, or science under division (A) (1) of this section, 65  
the state board shall develop such standards independently and 66  
not as part of a multistate consortium. 67

(2) After completing the standards required by division 68  
(A) (1) of this section, the state board shall adopt standards 69  
and model curricula for instruction in technology, financial 70  
literacy and entrepreneurship, fine arts, and foreign language 71  
for grades kindergarten through twelve. The standards shall meet 72  
the same requirements prescribed in division (A) (1) (a) of this 73  
section. 74

(3) The state board shall adopt the most recent standards 75  
developed by the national association for sport and physical 76  
education for physical education in grades kindergarten through 77  
twelve or shall adopt its own standards for physical education 78

in those grades and revise and update them periodically. 79

The department of education shall employ a full-time 80  
physical education coordinator to provide guidance and technical 81  
assistance to districts, community schools, and STEM schools in 82  
implementing the physical education standards adopted under this 83  
division. The superintendent of public instruction shall 84  
determine that the person employed as coordinator is qualified 85  
for the position, as demonstrated by possessing an adequate 86  
combination of education, license, and experience. 87

(4) When academic standards have been completed for any 88  
subject area required by this section, the state board shall 89  
inform all school districts, all community schools established 90  
under Chapter 3314. of the Revised Code, all STEM schools 91  
established under Chapter 3326. of the Revised Code, and all 92  
nonpublic schools required to administer the assessments 93  
prescribed by sections 3301.0710 and 3301.0712 of the Revised 94  
Code of the content of those standards. Additionally, upon 95  
completion of any academic standards under this section, the 96  
department shall post those standards on the department's web 97  
site. 98

(B) (1) The state board shall adopt a model curriculum for 99  
instruction in each subject area for which updated academic 100  
standards are required by division (A) (1) of this section and 101  
for each of grades kindergarten through twelve that is 102  
sufficient to meet the needs of students in every community. The 103  
model curriculum shall be aligned with the standards, to ensure 104  
that the academic content and skills specified for each grade 105  
level are taught to students, and shall demonstrate vertical 106  
articulation and emphasize coherence, focus, and rigor. When any 107  
model curriculum has been completed, the state board shall 108

inform all school districts, community schools, and STEM schools 109  
of the content of that model curriculum. 110

(2) Not later than June 30, 2013, the state board, in 111  
consultation with any office housed in the governor's office 112  
that deals with workforce development, shall adopt model 113  
curricula for grades kindergarten through twelve that embed 114  
career connection learning strategies into regular classroom 115  
instruction. 116

(3) All school districts, community schools, and STEM 117  
schools may utilize the state standards and the model curriculum 118  
established by the state board, together with other relevant 119  
resources, examples, or models to ensure that students have the 120  
opportunity to attain the academic standards. Upon request, the 121  
department shall provide technical assistance to any district, 122  
community school, or STEM school in implementing the model 123  
curriculum. 124

Nothing in this section requires any school district to 125  
utilize all or any part of a model curriculum developed under 126  
this section. 127

(C) The state board shall develop achievement assessments 128  
aligned with the academic standards and model curriculum for 129  
each of the subject areas and grade levels required by divisions 130  
(A) (1) and (B) (1) of section 3301.0710 of the Revised Code. 131

When any achievement assessment has been completed, the 132  
state board shall inform all school districts, community 133  
schools, STEM schools, and nonpublic schools required to 134  
administer the assessment of its completion, and the department 135  
shall make the achievement assessment available to the districts 136  
and schools. 137

(D) (1) The state board shall adopt a diagnostic assessment 138  
aligned with the academic standards and model curriculum for 139  
each of grades kindergarten through two in reading, writing, and 140  
mathematics and for grade three in reading and writing. The 141  
diagnostic assessment shall be designed to measure student 142  
comprehension of academic content and mastery of related skills 143  
for the relevant subject area and grade level. Any diagnostic 144  
assessment shall not include components to identify gifted 145  
students. Blank copies of diagnostic assessments shall be public 146  
records. 147

(2) When each diagnostic assessment has been completed, 148  
the state board shall inform all school districts of its 149  
completion and the department shall make the diagnostic 150  
assessment available to the districts at no cost to the 151  
district. ~~School~~ 152

(3) School districts shall administer the diagnostic 153  
assessment pursuant to section 3301.0715 of the Revised Code 154  
beginning the first school year following the development of the 155  
assessment. 156

However, beginning with the 2015-2016 school year, both of 157  
the following shall apply: 158

(a) In the case of the diagnostic assessments for grades 159  
one or two in writing or mathematics or for grade three in 160  
writing, a school district shall not be required to administer 161  
any such assessment, but may do so at the discretion of the 162  
district board; 163

(b) In the case of any diagnostic assessment that is not 164  
for the grade levels and subject areas specified in division (D) 165  
(3) (a) of this section, each school district shall administer 166

the assessment in the manner prescribed by section 3301.0715 of 167  
the Revised Code. 168

(E) The state board shall not adopt a diagnostic or 169  
achievement assessment for any grade level or subject area other 170  
than those specified in this section. 171

(F) Whenever the state board or the department consults 172  
with persons for the purpose of drafting or reviewing any 173  
standards, diagnostic assessments, achievement assessments, or 174  
model curriculum required under this section, the state board or 175  
the department shall first consult with parents of students in 176  
kindergarten through twelfth grade and with active Ohio 177  
classroom teachers, other school personnel, and administrators 178  
with expertise in the appropriate subject area. Whenever 179  
practicable, the state board and department shall consult with 180  
teachers recognized as outstanding in their fields. 181

If the department contracts with more than one outside 182  
entity for the development of the achievement assessments 183  
required by this section, the department shall ensure the 184  
interchangeability of those assessments. 185

(G) Whenever the state board adopts standards or model 186  
curricula under this section, the department also shall provide 187  
information on the use of blended or digital learning in the 188  
delivery of the standards or curricula to students in accordance 189  
with division (A)(4) of this section. 190

(H) The fairness sensitivity review committee, established 191  
by rule of the state board of education, shall not allow any 192  
question on any achievement or diagnostic assessment developed 193  
under this section or any proficiency test prescribed by former 194  
section 3301.0710 of the Revised Code, as it existed prior to 195

September 11, 2001, to include, be written to promote, or 196  
inquire as to individual moral or social values or beliefs. The 197  
decision of the committee shall be final. This section does not 198  
create a private cause of action. 199

(I) (1) (a) The English language arts academic standards 200  
review committee is hereby created to review academic content 201  
standards in the subject of English language arts. The committee 202  
shall consist of the following members: 203

(i) Three experts who are residents of this state and who 204  
primarily conduct research, provide instruction, currently work 205  
in, or possess an advanced degree in the subject area. One 206  
expert shall be appointed by each of the president of the 207  
senate, the speaker of the house of representatives, and the 208  
governor; 209

(ii) One parent or guardian appointed by the president of 210  
the senate; 211

(iii) One educator who is currently teaching in a 212  
classroom, appointed by the speaker of the house of 213  
representatives; 214

(iv) The chancellor of the Ohio board of regents, or the 215  
chancellor's designee; 216

(v) The state superintendent, or the superintendent's 217  
designee, who shall serve as the chairperson of the committee. 218

(b) The mathematics academic standards review committee is 219  
hereby created to review academic content standards in the 220  
subject of mathematics. The committee shall consist of the 221  
following members: 222

(i) Three experts who are residents of this state and who 223



primarily conduct research, provide instruction, currently work 224  
in, or possess an advanced degree in the subject area. One 225  
expert shall be appointed by each of the president of the 226  
senate, the speaker of the house of representatives, and the 227  
governor; 228

(ii) One parent or guardian appointed by the speaker of 229  
the house of representatives; 230

(iii) One educator who is currently teaching in a 231  
classroom, appointed by the president of the senate; 232

(iv) The chancellor, or the chancellor's designee; 233

(v) The state superintendent, or the superintendent's 234  
designee, who shall serve as the chairperson of the committee. 235

(c) The science academic standards review committee is 236  
hereby created to review academic content standards in the 237  
subject of science. The committee shall consist of the following 238  
members: 239

(i) Three experts who are residents of this state and who 240  
primarily conduct research, provide instruction, currently work 241  
in, or possess an advanced degree in the subject area. One 242  
expert shall be appointed by each of the president of the 243  
senate, the speaker of the house of representatives, and the 244  
governor; 245

(ii) One parent or guardian appointed by the president of 246  
the senate; 247

(iii) One educator who is currently teaching in a 248  
classroom, appointed by the speaker of the house of 249  
representatives; 250

(iv) The chancellor, or the chancellor's designee; 251

(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee.	252 253
(d) The social studies academic standards review committee is hereby created to review academic content standards in the subject of social studies. The committee shall consist of the following members:	254 255 256 257
(i) Three experts who are residents of this state and who primarily conduct research, provide instruction, currently work in, or possess an advanced degree in the subject area. One expert shall be appointed by each of the president of the senate, the speaker of the house of representatives, and the governor;	258 259 260 261 262 263
(ii) One parent or guardian appointed by the speaker of the house of representatives;	264 265
(iii) One educator who is currently teaching in a classroom, appointed by the president of the senate;	266 267
(iv) The chancellor, or the chancellor's designee;	268
(v) The state superintendent, or the superintendent's designee, who shall serve as the chairperson of the committee.	269 270
(2) (a) Each committee created in division (I) (1) of this section shall review the academic content standards for its respective subject area to ensure that such standards are clear, concise, and appropriate for each grade level and promote higher student performance, learning, subject matter comprehension, and improved student achievement. Each committee also shall review whether the standards for its respective subject area promote essential knowledge in the subject, lifelong learning, the liberal arts tradition, and college and career readiness and whether the standards reduce remediation.	271 272 273 274 275 276 277 278 279 280

(b) Each committee shall determine whether the assessments submitted to that committee under division (I)(4) of this section are appropriate for the committee's respective subject area and meet the academic content standards adopted under this section and community expectations.

(3) The department of education shall provide administrative support for each committee created in division (I)(1) of this section. Members of each committee shall be reimbursed for reasonable and necessary expenses related to the operations of the committee. Members of each committee shall serve at the pleasure of the appointing authority.

(4) Notwithstanding anything to the contrary in division (N) of section 3301.0711 of the Revised Code, the department shall submit to the appropriate committee created under division (I)(1) of this section copies of the questions and corresponding answers on the relevant assessments required by section 3301.0710 of the Revised Code on the first day of July following the school year that the assessments were administered. The department shall provide each committee with the entire content of each relevant assessment, including corresponding answers.

The assessments received by the committees are not public records of the committees and are not subject to release by the committees to any other person or entity under section 149.43 of the Revised Code. However, the assessments shall become public records in accordance with division (N) of section 3301.0711 of the Revised Code.

(J) Not later than forty-five days prior to the adoption by the state board of updated academic standards under division (A)(1) of this section or updated model curricula under division (B)(1) of this section, the superintendent of public instruction

shall present the academic standards or model curricula, as 311  
applicable, to the respective committees of the house of 312  
representatives and senate that consider education legislation. 313

(K) As used in this section: 314

(1) "Blended learning" means the delivery of instruction 315  
in a combination of time in a supervised physical location away 316  
from home and online delivery whereby the student has some 317  
element of control over time, place, path, or pace of learning. 318

(2) "Coherence" means a reflection of the structure of the 319  
discipline being taught. 320

(3) "Digital learning" means learning facilitated by 321  
technology that gives students some element of control over 322  
time, place, path, or pace of learning. 323

(4) "Focus" means limiting the number of items included in 324  
a curriculum to allow for deeper exploration of the subject 325  
matter. 326

(5) "Vertical articulation" means key academic concepts 327  
and skills associated with mastery in particular content areas 328  
should be articulated and reinforced in a developmentally 329  
appropriate manner at each grade level so that over time 330  
students acquire a depth of knowledge and understanding in the 331  
core academic disciplines. 332

**Sec. 3301.0711.** (A) The department of education shall: 333

(1) Annually furnish to, grade, and score all assessments 334  
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 335  
the Revised Code to be administered by city, local, exempted 336  
village, and joint vocational school districts, except that each 337  
district shall score any assessment administered pursuant to 338

division (B) (10) of this section. Each assessment so furnished 339  
shall include the data verification code of the student to whom 340  
the assessment will be administered, as assigned pursuant to 341  
division (D) (2) of section 3301.0714 of the Revised Code. In 342  
furnishing the practice versions of Ohio graduation tests 343  
prescribed by division (D) of section 3301.0710 of the Revised 344  
Code, the department shall make the tests available on its web 345  
site for reproduction by districts. In awarding contracts for 346  
grading assessments, the department shall give preference to 347  
Ohio-based entities employing Ohio residents. 348

(2) Adopt rules for the ethical use of assessments and 349  
prescribing the manner in which the assessments prescribed by 350  
section 3301.0710 of the Revised Code shall be administered to 351  
students. 352

(B) Except as provided in divisions (C) and (J) of this 353  
section, the board of education of each city, local, and 354  
exempted village school district shall, in accordance with rules 355  
adopted under division (A) of this section: 356

~~(1) Administer~~ (a) Until the 2015-2016 school year, 357  
administer the English language arts assessments prescribed 358  
under division (A) (1) (a) of section 3301.0710 of the Revised 359  
Code twice annually to all students in the third grade who have 360  
not attained the score designated for that assessment under 361  
division (A) (2) (c) of section 3301.0710 of the Revised Code. 362

(b) For the 2015-2016 school year, and for each school 363  
year thereafter, administer the English language arts assessment 364  
prescribed under division (A) (1) (a) of section 3301.0710 of the 365  
Revised Code once annually to all students in the third grade. 366

The department shall not require districts to administer 367

<u>the assessment described in division (B) (1) (b) of this section</u>	368
<u>in the fall.</u>	369
(2) Administer the mathematics assessment prescribed under division (A) (1) (a) of section 3301.0710 of the Revised Code at least once annually to all students in the third grade.	370 371 372
(3) Administer the assessments prescribed under division (A) (1) (b) of section 3301.0710 of the Revised Code at least once annually to all students in the fourth grade.	373 374 375
(4) Administer the assessments prescribed under division (A) (1) (c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.	376 377 378
(5) Administer the assessments prescribed under division (A) (1) (d) of section 3301.0710 of the Revised Code at least once annually to all students in the sixth grade.	379 380 381
(6) Administer the assessments prescribed under division (A) (1) (e) of section 3301.0710 of the Revised Code at least once annually to all students in the seventh grade.	382 383 384
(7) Administer the assessments prescribed under division (A) (1) (f) of section 3301.0710 of the Revised Code at least once annually to all students in the eighth grade.	385 386 387
(8) Except as provided in division (B) (9) of this section, administer any assessment prescribed under division (B) (1) of section 3301.0710 of the Revised Code as follows:	388 389 390
(a) At least once annually to all tenth grade students and at least twice annually to all students in eleventh or twelfth grade who have not yet attained the score on that assessment designated under that division;	391 392 393 394
(b) To any person who has successfully completed the	395

curriculum in any high school or the individualized education 396  
program developed for the person by any high school pursuant to 397  
section 3323.08 of the Revised Code but has not received a high 398  
school diploma and who requests to take such assessment, at any 399  
time such assessment is administered in the district. 400

(9) In lieu of the board of education of any city, local, 401  
or exempted village school district in which the student is also 402  
enrolled, the board of a joint vocational school district shall 403  
administer any assessment prescribed under division (B) (1) of 404  
section 3301.0710 of the Revised Code at least twice annually to 405  
any student enrolled in the joint vocational school district who 406  
has not yet attained the score on that assessment designated 407  
under that division. A board of a joint vocational school 408  
district may also administer such an assessment to any student 409  
described in division (B) (8) (b) of this section. 410

(10) If the district has a three-year average graduation 411  
rate of not more than seventy-five per cent, administer each 412  
assessment prescribed by division (D) of section 3301.0710 of 413  
the Revised Code in September to all ninth grade students, 414  
beginning in the school year that starts July 1, 2005. 415

Except as provided in section 3313.614 of the Revised Code 416  
for administration of an assessment to a person who has 417  
fulfilled the curriculum requirement for a high school diploma 418  
but has not passed one or more of the required assessments, the 419  
assessments prescribed under division (B) (1) of section 420  
3301.0710 of the Revised Code and the practice assessments 421  
prescribed under division (D) of that section and required to be 422  
administered under divisions (B) (8), (9), and (10) of this 423  
section shall not be administered after July 1, 2015. 424

(11) Administer the assessments prescribed by division (B) 425

(2) of section 3301.0710 and section 3301.0712 of the Revised Code in accordance with the timeline and plan for implementation of those assessments prescribed by rule of the state board adopted under division (D) (1) of section 3301.0712 of the Revised Code.

(C) (1) (a) In the case of a student receiving special education services under Chapter 3323. of the Revised Code, the individualized education program developed for the student under that chapter shall specify the manner in which the student will participate in the assessments administered under this section. The individualized education program may excuse the student from taking any particular assessment required to be administered under this section if it instead specifies an alternate assessment method approved by the department of education as conforming to requirements of federal law for receipt of federal funds for disadvantaged pupils. To the extent possible, the individualized education program shall not excuse the student from taking an assessment unless no reasonable accommodation can be made to enable the student to take the assessment.

(b) Any alternate assessment approved by the department for a student under this division shall produce measurable results comparable to those produced by the assessment it replaces in order to allow for the student's results to be included in the data compiled for a school district or building under section 3302.03 of the Revised Code.

(c) Any student enrolled in a chartered nonpublic school who has been identified, based on an evaluation conducted in accordance with section 3323.03 of the Revised Code or section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 794, as amended, as a child with a disability shall be



excused from taking any particular assessment required to be 456  
administered under this section if a plan developed for the 457  
student pursuant to rules adopted by the state board excuses the 458  
student from taking that assessment. In the case of any student 459  
so excused from taking an assessment, the chartered nonpublic 460  
school shall not prohibit the student from taking the 461  
assessment. 462

(2) A district board may, for medical reasons or other 463  
good cause, excuse a student from taking an assessment 464  
administered under this section on the date scheduled, but that 465  
assessment shall be administered to the excused student not 466  
later than nine days following the scheduled date. The district 467  
board shall annually report the number of students who have not 468  
taken one or more of the assessments required by this section to 469  
the state board of education not later than the thirtieth day of 470  
June. 471

(3) As used in this division, "limited English proficient 472  
student" has the same meaning as in 20 U.S.C. 7801. 473

No school district board shall excuse any limited English 474  
proficient student from taking any particular assessment 475  
required to be administered under this section, except that any 476  
limited English proficient student who has been enrolled in 477  
United States schools for less than one full school year shall 478  
not be required to take any reading, writing, or English 479  
language arts assessment. However, no board shall prohibit a 480  
limited English proficient student who is not required to take 481  
an assessment under this division from taking the assessment. A 482  
board may permit any limited English proficient student to take 483  
an assessment required to be administered under this section 484  
with appropriate accommodations, as determined by the 485

department. For each limited English proficient student, each 486  
school district shall annually assess that student's progress in 487  
learning English, in accordance with procedures approved by the 488  
department. 489

The governing authority of a chartered nonpublic school 490  
may excuse a limited English proficient student from taking any 491  
assessment administered under this section. However, no 492  
governing authority shall prohibit a limited English proficient 493  
student from taking the assessment. 494

(D) (1) In the school year next succeeding the school year 495  
in which the assessments prescribed by division (A) (1) or (B) (1) 496  
of section 3301.0710 of the Revised Code or former division (A) 497  
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 498  
it existed prior to September 11, 2001, are administered to any 499  
student, the board of education of any school district in which 500  
the student is enrolled in that year shall provide to the 501  
student intervention services commensurate with the student's 502  
performance, including any intensive intervention required under 503  
section 3313.608 of the Revised Code, in any skill in which the 504  
student failed to demonstrate at least a score at the proficient 505  
level on the assessment. 506

(2) Following any administration of the assessments 507  
prescribed by division (D) of section 3301.0710 of the Revised 508  
Code to ninth grade students, each school district that has a 509  
three-year average graduation rate of not more than seventy-five 510  
per cent shall determine for each high school in the district 511  
whether the school shall be required to provide intervention 512  
services to any students who took the assessments. In 513  
determining which high schools shall provide intervention 514  
services based on the resources available, the district shall 515

consider each school's graduation rate and scores on the 516  
practice assessments. The district also shall consider the 517  
scores received by ninth grade students on the English language 518  
arts and mathematics assessments prescribed under division (A) 519  
(1)(f) of section 3301.0710 of the Revised Code in the eighth 520  
grade in determining which high schools shall provide 521  
intervention services. 522

Each high school selected to provide intervention services 523  
under this division shall provide intervention services to any 524  
student whose results indicate that the student is failing to 525  
make satisfactory progress toward being able to attain scores at 526  
the proficient level on the Ohio graduation tests. Intervention 527  
services shall be provided in any skill in which a student 528  
demonstrates unsatisfactory progress and shall be commensurate 529  
with the student's performance. Schools shall provide the 530  
intervention services prior to the end of the school year, 531  
during the summer following the ninth grade, in the next 532  
succeeding school year, or at any combination of those times. 533

(E) Except as provided in section 3313.608 of the Revised 534  
Code and division (M) of this section, no school district board 535  
of education shall utilize any student's failure to attain a 536  
specified score on an assessment administered under this section 537  
as a factor in any decision to deny the student promotion to a 538  
higher grade level. However, a district board may choose not to 539  
promote to the next grade level any student who does not take an 540  
assessment administered under this section or make up an 541  
assessment as provided by division (C)(2) of this section and 542  
who is not exempt from the requirement to take the assessment 543  
under division (C)(3) of this section. 544

(F) No person shall be charged a fee for taking any 545

assessment administered under this section. 546

(G) (1) Each school district board shall designate one 547  
location for the collection of assessments administered in the 548  
spring under division (B) (1) of this section and those 549  
administered under divisions (B) (2) to (7) of this section. Each 550  
district board shall submit the assessments to the entity with 551  
which the department contracts for the scoring of the 552  
assessments as follows: 553

(a) If the district's total enrollment in grades 554  
kindergarten through twelve during the first full school week of 555  
October was less than two thousand five hundred, not later than 556  
the Friday after all of the assessments have been administered; 557

(b) If the district's total enrollment in grades 558  
kindergarten through twelve during the first full school week of 559  
October was two thousand five hundred or more, but less than 560  
seven thousand, not later than the Monday after all of the 561  
assessments have been administered; 562

(c) If the district's total enrollment in grades 563  
kindergarten through twelve during the first full school week of 564  
October was seven thousand or more, not later than the Tuesday 565  
after all of the assessments have been administered. 566

However, any assessment that a student takes during the 567  
make-up period described in division (C) (2) of this section 568  
shall be submitted not later than the Friday following the day 569  
the student takes the assessment. 570

(2) The department or an entity with which the department 571  
contracts for the scoring of the assessment shall send to each 572  
school district board a list of the individual scores of all 573  
persons taking an assessment prescribed by division (A) (1) or 574

(B) (1) of section 3301.0710 of the Revised Code within sixty 575  
days after its administration, but in no case shall the scores 576  
be returned later than the fifteenth day of June following the 577  
administration. For assessments administered under this section 578  
by a joint vocational school district, the department or entity 579  
shall also send to each city, local, or exempted village school 580  
district a list of the individual scores of any students of such 581  
city, local, or exempted village school district who are 582  
attending school in the joint vocational school district. 583

(H) Individual scores on any assessments administered 584  
under this section shall be released by a district board only in 585  
accordance with section 3319.321 of the Revised Code and the 586  
rules adopted under division (A) of this section. No district 587  
board or its employees shall utilize individual or aggregate 588  
results in any manner that conflicts with rules for the ethical 589  
use of assessments adopted pursuant to division (A) of this 590  
section. 591

(I) Except as provided in division (G) of this section, 592  
the department or an entity with which the department contracts 593  
for the scoring of the assessment shall not release any 594  
individual scores on any assessment administered under this 595  
section. The state board of education shall adopt rules to 596  
ensure the protection of student confidentiality at all times. 597  
The rules may require the use of the data verification codes 598  
assigned to students pursuant to division (D) (2) of section 599  
3301.0714 of the Revised Code to protect the confidentiality of 600  
student scores. 601

(J) Notwithstanding division (D) of section 3311.52 of the 602  
Revised Code, this section does not apply to the board of 603  
education of any cooperative education school district except as 604

provided under rules adopted pursuant to this division. 605

(1) In accordance with rules that the state board of 606  
education shall adopt, the board of education of any city, 607  
exempted village, or local school district with territory in a 608  
cooperative education school district established pursuant to 609  
divisions (A) to (C) of section 3311.52 of the Revised Code may 610  
enter into an agreement with the board of education of the 611  
cooperative education school district for administering any 612  
assessment prescribed under this section to students of the 613  
city, exempted village, or local school district who are 614  
attending school in the cooperative education school district. 615

(2) In accordance with rules that the state board of 616  
education shall adopt, the board of education of any city, 617  
exempted village, or local school district with territory in a 618  
cooperative education school district established pursuant to 619  
section 3311.521 of the Revised Code shall enter into an 620  
agreement with the cooperative district that provides for the 621  
administration of any assessment prescribed under this section 622  
to both of the following: 623

(a) Students who are attending school in the cooperative 624  
district and who, if the cooperative district were not 625  
established, would be entitled to attend school in the city, 626  
local, or exempted village school district pursuant to section 627  
3313.64 or 3313.65 of the Revised Code; 628

(b) Persons described in division (B) (8) (b) of this 629  
section. 630

Any assessment of students pursuant to such an agreement 631  
shall be in lieu of any assessment of such students or persons 632  
pursuant to this section. 633

(K) (1) (a) Except as otherwise provided in division (K) (1) 634  
(a) or (K) (1) (c) of this section, each chartered nonpublic 635  
school for which at least sixty-five per cent of its total 636  
enrollment is made up of students who are participating in state 637  
scholarship programs shall administer the elementary assessments 638  
prescribed by section 3301.0710 of the Revised Code. In 639  
accordance with procedures and deadlines prescribed by the 640  
department, the parent or guardian of a student enrolled in the 641  
school who is not participating in a state scholarship program 642  
may submit notice to the chief administrative officer of the 643  
school that the parent or guardian does not wish to have the 644  
student take the elementary assessments prescribed for the 645  
student's grade level under division (A) of section 3301.0710 of 646  
the Revised Code. If a parent or guardian submits an opt-out 647  
notice, the school shall not administer the assessments to that 648  
student. This option does not apply to any assessment required 649  
for a high school diploma under section 3313.612 of the Revised 650  
Code. 651

(b) If a chartered nonpublic school is educating students 652  
in grades nine through twelve, it shall administer the 653  
assessments prescribed by divisions (B) (1) and (2) of section 654  
3301.0710 of the Revised Code as a condition of compliance with 655  
section 3313.612 of the Revised Code. 656

(c) A chartered nonpublic school may submit to the 657  
superintendent of public instruction a request for a waiver from 658  
administering the elementary assessments prescribed by division 659  
(A) of section 3301.0710 of the Revised Code. The state 660  
superintendent shall approve or disapprove a request for a 661  
waiver submitted under division (K) (1) (c) of this section. No 662  
waiver shall be approved for any school year prior to the 2015- 663  
2016 school year. 664

To be eligible to submit a request for a waiver, a 665  
chartered nonpublic school shall meet the following conditions: 666

(i) At least ninety-five per cent of the students enrolled 667  
in the school are children with disabilities, as defined under 668  
section 3323.01 of the Revised Code, or have received a 669  
diagnosis by a school district or from a physician, including a 670  
neuropsychiatrist or psychiatrist, or a psychologist who is 671  
authorized to practice in this or another state as having a 672  
condition that impairs academic performance, such as dyslexia, 673  
dyscalculia, attention deficit hyperactivity disorder, or 674  
Asperger's syndrome. 675

(ii) The school has solely served a student population 676  
described in division (K) (1) (c) (i) of this section for at least 677  
ten years. 678

(iii) The school provides to the department at least five 679  
years of records of internal testing conducted by the school 680  
that affords the department data required for accountability 681  
purposes, including diagnostic assessments and nationally 682  
standardized norm-referenced achievement assessments that 683  
measure reading and math skills. 684

(d) Any chartered nonpublic school that is not subject to 685  
division (K) (1) (a) of this section may participate in the 686  
assessment program by administering any of the assessments 687  
prescribed by division (A) of section 3301.0710 of the Revised 688  
Code. The chief administrator of the school shall specify which 689  
assessments the school will administer. Such specification shall 690  
be made in writing to the superintendent of public instruction 691  
prior to the first day of August of any school year in which 692  
assessments are administered and shall include a pledge that the 693  
nonpublic school will administer the specified assessments in 694



the same manner as public schools are required to do under this section and rules adopted by the department.

(2) The department of education shall furnish the assessments prescribed by section 3301.0710 or 3301.0712 of the Revised Code to each chartered nonpublic school that is subject to division (K) (1) (a) of this section or participates under division (K) (1) (b) of this section.

(L) (1) The superintendent of the state school for the blind and the superintendent of the state school for the deaf shall administer the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code. Each superintendent shall administer the assessments in the same manner as district boards are required to do under this section and rules adopted by the department of education and in conformity with division (C) (1) (a) of this section.

(2) The department of education shall furnish the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code to each superintendent.

(M) Notwithstanding division (E) of this section, a school district may use a student's failure to attain a score in at least the proficient range on the mathematics assessment described by division (A) (1) (a) of section 3301.0710 of the Revised Code or on an assessment described by division (A) (1) (b), (c), (d), (e), or (f) of section 3301.0710 of the Revised Code as a factor in retaining that student in the current grade level.

(N) (1) In the manner specified in divisions (N) (3), (4), and (6) of this section, the assessments required by division (A) (1) of section 3301.0710 of the Revised Code shall become

public records pursuant to section 149.43 of the Revised Code on 724  
the thirty-first day of July following the school year that the 725  
assessments were administered. 726

(2) The department may field test proposed questions with 727  
samples of students to determine the validity, reliability, or 728  
appropriateness of questions for possible inclusion in a future 729  
year's assessment. The department also may use anchor questions 730  
on assessments to ensure that different versions of the same 731  
assessment are of comparable difficulty. 732

Field test questions and anchor questions shall not be 733  
considered in computing scores for individual students. Field 734  
test questions and anchor questions may be included as part of 735  
the administration of any assessment required by division (A) (1) 736  
or (B) of section 3301.0710 and division (B) of section 737  
3301.0712 of the Revised Code. 738

(3) Any field test question or anchor question 739  
administered under division (N) (2) of this section shall not be 740  
a public record. Such field test questions and anchor questions 741  
shall be redacted from any assessments which are released as a 742  
public record pursuant to division (N) (1) of this section. 743

(4) This division applies to the assessments prescribed by 744  
division (A) of section 3301.0710 of the Revised Code. 745

(a) The first administration of each assessment, as 746  
specified in former section 3301.0712 of the Revised Code, shall 747  
be a public record. 748

(b) For subsequent administrations of each assessment 749  
prior to the 2011-2012 school year, not less than forty per cent 750  
of the questions on the assessment that are used to compute a 751  
student's score shall be a public record. The department shall 752

determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the statewide academic standard adopted by the state board of education under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The preceding sentence does not apply to field test questions that are redacted under division (N) (3) of this section.

(c) The administrations of each assessment in the 2011-2012, 2012-2013, and 2013-2014 school years shall not be a public record.

(5) Each assessment prescribed by division (B) (1) of section 3301.0710 of the Revised Code shall not be a public record.

(a) Forty per cent of the questions and preferred answers on the assessments on the thirty-first day of July following the administration of the assessment;

(b) Twenty per cent of the questions and preferred answers on the assessment on the thirty-first day of July one year after the administration of the assessment;

(c) The remaining forty per cent of the questions and preferred answers on the assessment on the thirty-first day of July two years after the administration of the assessment.

The entire content of an assessment shall become a public record within three years of its administration.

The department shall make the questions that become a

public record under this division readily accessible to the 782  
public on the department's web site. Questions on the spring 783  
administration of each assessment shall be released on an annual 784  
basis, in accordance with this division. 785

(0) As used in this section: 786

(1) "Three-year average" means the average of the most 787  
recent consecutive three school years of data. 788

(2) "Dropout" means a student who withdraws from school 789  
before completing course requirements for graduation and who is 790  
not enrolled in an education program approved by the state board 791  
of education or an education program outside the state. 792  
"Dropout" does not include a student who has departed the 793  
country. 794

(3) "Graduation rate" means the ratio of students 795  
receiving a diploma to the number of students who entered ninth 796  
grade four years earlier. Students who transfer into the 797  
district are added to the calculation. Students who transfer out 798  
of the district for reasons other than dropout are subtracted 799  
from the calculation. If a student who was a dropout in any 800  
previous year returns to the same school district, that student 801  
shall be entered into the calculation as if the student had 802  
entered ninth grade four years before the graduation year of the 803  
graduating class that the student joins. 804

(4) "State scholarship programs" means the educational 805  
choice scholarship pilot program established under sections 806  
3310.01 to 3310.17 of the Revised Code, the autism scholarship 807  
program established under section 3310.41 of the Revised Code, 808  
the Jon Peterson special needs scholarship program established 809  
under sections 3310.51 to 3310.64 of the Revised Code, and the 810

pilot project scholarship program established under sections 811  
3313.974 to 3313.979 of the Revised Code. 812

**Sec. 3301.0715.** (A) Except as ~~otherwise~~ required under 813  
division (B) (1) of section 3313.608 or as specified in division 814  
(D) (3) of section 3301.079 of the Revised Code, the board of 815  
education of each city, local, and exempted village school 816  
district shall administer each applicable diagnostic assessment 817  
developed and provided to the district in accordance with 818  
section 3301.079 of the Revised Code to the following: 819

(1) Any student who transfers into the district or to a 820  
different school within the district if each applicable 821  
diagnostic assessment was not administered by the district or 822  
school the student previously attended in the current school 823  
year, within thirty days after the date of transfer. If the 824  
district or school into which the student transfers cannot 825  
determine whether the student has taken any applicable 826  
diagnostic assessment in the current school year, the district 827  
or school may administer the diagnostic assessment to the 828  
student. However, if a student transfers into the district prior 829  
to the administration of the diagnostic assessments to all 830  
students under division (B) of this section, the district may 831  
administer the diagnostic assessments to that student on the 832  
date or dates determined under that division. 833

(2) Each kindergarten student, not earlier than the first 834  
day of the school year and not later than the first day of 835  
November. 836

For the purpose of division (A) (2) of this section, the 837  
district shall administer the kindergarten readiness assessment 838  
provided by the department of education. In no case shall the 839  
results of the readiness assessment be used to prohibit a 840

student from enrolling in kindergarten. 841

(3) Each student enrolled in first, second, or third 842  
grade. 843

Division (A) of this section does not apply to students 844  
with significant cognitive disabilities, as defined by the 845  
department of education. 846

(B) Each district board shall administer each diagnostic 847  
assessment when the board deems appropriate, provided the 848  
administration complies with section 3313.608 of the Revised 849  
Code. However, the board shall administer any diagnostic 850  
assessment at least once annually to all students in the 851  
appropriate grade level. A district board may administer any 852  
diagnostic assessment in the fall and spring of a school year to 853  
measure the amount of academic growth attributable to the 854  
instruction received by students during that school year. 855

(C) Any district that received a grade of "A" or "B" for 856  
the performance index score under division (A) (1) (b), (B) (1) (b), 857  
or (C) (1) (b) of section 3302.03 of the Revised Code or for the 858  
value-added progress dimension under division (A) (1) (e), (B) (1) 859  
(e), or (C) (1) (e) of section 3302.03 of the Revised Code for the 860  
immediately preceding school year may use different diagnostic 861  
assessments from those adopted under division (D) of section 862  
3301.079 of the Revised Code in order to satisfy the 863  
requirements of division (A) (3) of this section. 864

(D) Each district board shall utilize and score any 865  
diagnostic assessment administered under division (A) of this 866  
section in accordance with rules established by the department. 867  
After the administration of any diagnostic assessment, each 868  
district shall provide a student's completed diagnostic 869

assessment, the results of such assessment, and any other 870  
accompanying documents used during the administration of the 871  
assessment to the parent of that student, and shall include all 872  
such documents and information in any plan developed for the 873  
student under division (C) of section 3313.608 of the Revised 874  
Code. Each district shall submit to the department, in the 875  
manner the department prescribes, the results of the diagnostic 876  
assessments administered under this section, regardless of the 877  
type of assessment used under section 3313.608 of the Revised 878  
Code. The department may issue reports with respect to the data 879  
collected. The department may report school and district level 880  
kindergarten diagnostic assessment data and use diagnostic 881  
assessment data to calculate the measure prescribed by divisions 882  
(B) (1) (g) and (C) (1) (g) of section 3302.03 of the Revised Code. 883

(E) Each district board shall provide intervention 884  
services to students whose diagnostic assessments show that they 885  
are failing to make satisfactory progress toward attaining the 886  
academic standards for their grade level. 887

Sec. 3301.0728. (A) Except as provided for in divisions 888  
(B) and (C) of this section, beginning with assessments 889  
administered on or after July 1, 2015, the board of education of 890  
each city, local, and exempted village school district shall 891  
ensure that no student is required to do either of the 892  
following: 893

(1) Spend a cumulative amount of time in excess of two per 894  
cent of the school year taking the following assessments 895  
combined: 896

(a) The applicable state assessments prescribed by 897  
division (A) of section 3301.0710 and division (B) (2) of section 898  
3301.0712 of the Revised Code; 899

(b) Any assessment required by the district board to be administered district-wide to all students in a specified subject area or grade level. 900  
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(2) Spend a cumulative amount of time in excess of one per cent of the school year taking practice or diagnostic assessments used to prepare for assessments described in divisions (A) (1) (a) and (b) of this section. 903  
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(B) The limitations prescribed by division (A) of this section shall not apply to assessments for students with disabilities, any related diagnostic assessment for students who failed to attain a passing score on the English language arts achievement assessment prescribed by division (A) (1) (a) of section 3301.0710 of the Revised Code, or substitute examinations as prescribed by division (B) (4) of section 3301.0712 of the Revised Code. 907  
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(C) The board of education of each city, exempted village, and local school district may exceed the limitations prescribed by division (A) of this section by resolution of the district board. However, prior to the adoption of such a resolution, the board shall conduct at least one public hearing on the proposed resolution. 915  
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**Sec. 3302.02.** Not later than one year after the adoption of rules under division (D) of section 3301.0712 of the Revised Code and at least every sixth year thereafter, upon recommendations of the superintendent of public instruction, the state board of education shall establish a set of performance indicators that considered as a unit will be used as one of the performance categories for the report cards required by section 3302.03 of the Revised Code. In establishing these indicators, the superintendent shall consider inclusion of student 921  
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performance on assessments prescribed under section 3301.0710 or 930  
3301.0712 of the Revised Code, rates of student improvement on 931  
such assessments, the breadth of coursework available within the 932  
district, and other indicators of student success. 933

Beginning with the report card for the 2014-2015 school 934  
year, the performance indicators shall include an indicator that 935  
reflects the level of services provided to, and the performance 936  
of, students identified as gifted under Chapter 3324. of the 937  
Revised Code. The indicator shall include the performance of 938  
students identified as gifted on state assessments and value- 939  
added growth measure disaggregated for students identified as 940  
gifted. 941

For the 2013-2014 school year, except as otherwise 942  
provided in this section, for any indicator based on the 943  
percentage of students attaining a proficient score on the 944  
assessments prescribed by divisions (A) and (B) (1) of section 945  
3301.0710 of the Revised Code, a school district or building 946  
shall be considered to have met the indicator if at least eighty 947  
per cent of the tested students attain a score of proficient or 948  
higher on the assessment. A school district or building shall be 949  
considered to have met the indicator for the assessments 950  
prescribed by division (B) (1) of section 3301.0710 of the 951  
Revised Code and only as administered to eleventh grade 952  
students, if at least eighty-five per cent of the tested 953  
students attain a score of proficient or higher on the 954  
assessment. Not later than July 1, 2014, the state board may 955  
adopt rules, under Chapter 119. of the Revised Code, to 956  
establish different proficiency percentages to meet each 957  
indicator that is based on a state assessment, prescribed under 958  
section 3301.0710 or 3301.0712 of the Revised Code, for the 959  
2014-2015 school year and thereafter. 960

The superintendent shall not establish any performance 961  
indicator for passage of the third or fourth grade English 962  
language arts assessment that is solely based on the assessment 963  
given in the fall, as authorized prior to the 2015-2016 school 964  
year, for the purpose of determining whether students have met 965  
the reading guarantee provisions of section 3313.608 of the 966  
Revised Code. 967

**Sec. 3302.03.** Annually, not later than the fifteenth day 968  
of September or the preceding Friday when that day falls on a 969  
Saturday or Sunday, the department of education shall assign a 970  
letter grade for overall academic performance and for each 971  
separate performance measure for each school district, and each 972  
school building in a district, in accordance with this section. 973  
The state board shall adopt rules pursuant to Chapter 119. of 974  
the Revised Code to establish performance criteria for each 975  
letter grade and prescribe a method by which the department 976  
assigns each letter grade. For a school building to which any of 977  
the performance measures do not apply, due to grade levels 978  
served by the building, the state board shall designate the 979  
performance measures that are applicable to the building and 980  
that must be calculated separately and used to calculate the 981  
building's overall grade. The department shall issue annual 982  
report cards reflecting the performance of each school district, 983  
each building within each district, and for the state as a whole 984  
using the performance measures and letter grade system described 985  
in this section. The department shall include on the report card 986  
for each district and each building within each district the 987  
most recent two-year trend data in student achievement for each 988  
subject and each grade. 989

(A) (1) For the 2012-2013 school year, the department shall 990  
issue grades as described in division (E) of this section for 991

each of the following performance measures:	992
(a) Annual measurable objectives;	993
(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as adopted by the state board. In adopting benchmarks for assigning letter grades under division (A) (1) (b) of this section, the state board of education shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."	994 995 996 997 998 999 1000 1001
(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.02 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (A) (1) (c) of this section, the state board shall designate ninety per cent or higher for an "A."	1002 1003 1004 1005 1006 1007 1008
(d) The four- and five-year adjusted cohort graduation rates.	1009 1010
In adopting benchmarks for assigning letter grades under division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the department shall designate a four-year adjusted cohort graduation rate of ninety-three per cent or higher for an "A" and a five-year cohort graduation rate of ninety-five per cent or higher for an "A."	1011 1012 1013 1014 1015 1016
(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available. The letter grade assigned for this growth measure	1017 1018 1019 1020

shall be as follows: 1021

(i) A score that is at least two standard errors of 1022  
measure above the mean score shall be designated as an "A." 1023

(ii) A score that is at least one standard error of 1024  
measure but less than two standard errors of measure above the 1025  
mean score shall be designated as a "B." 1026

(iii) A score that is less than one standard error of 1027  
measure above the mean score but greater than or equal to one 1028  
standard error of measure below the mean score shall be 1029  
designated as a "C." 1030

(iv) A score that is not greater than one standard error 1031  
of measure below the mean score but is greater than or equal to 1032  
two standard errors of measure below the mean score shall be 1033  
designated as a "D." 1034

(v) A score that is not greater than two standard errors 1035  
of measure below the mean score shall be designated as an "F." 1036

Whenever the value-added progress dimension is used as a 1037  
graded performance measure, whether as an overall measure or as 1038  
a measure of separate subgroups, the grades for the measure 1039  
shall be calculated in the same manner as prescribed in division 1040  
(A) (1) (e) of this section. 1041

(f) The value-added progress dimension score for a school 1042  
district or building disaggregated for each of the following 1043  
subgroups: students identified as gifted, students with 1044  
disabilities, and students whose performance places them in the 1045  
lowest quintile for achievement on a statewide basis. Each 1046  
subgroup shall be a separate graded measure. 1047

(2) Not later than April 30, 2013, the state board of 1048

education shall adopt a resolution describing the performance 1049  
measures, benchmarks, and grading system for the 2012-2013 1050  
school year and, not later than June 30, 2013, shall adopt rules 1051  
in accordance with Chapter 119. of the Revised Code that 1052  
prescribe the methods by which the performance measures under 1053  
division (A) (1) of this section shall be assessed and assigned a 1054  
letter grade, including performance benchmarks for each letter 1055  
grade. 1056

At least forty-five days prior to the state board's 1057  
adoption of rules to prescribe the methods by which the 1058  
performance measures under division (A) (1) of this section shall 1059  
be assessed and assigned a letter grade, the department shall 1060  
conduct a public presentation before the standing committees of 1061  
the house of representatives and the senate that consider 1062  
education legislation describing such methods, including 1063  
performance benchmarks. 1064

(3) There shall not be an overall letter grade for a 1065  
school district or building for the 2012-2013 school year. 1066

(B) (1) For the 2013-2014 school year, the department shall 1067  
issue grades as described in division (E) of this section for 1068  
each of the following performance measures: 1069

(a) Annual measurable objectives; 1070

(b) Performance index score for a school district or 1071  
building. Grades shall be awarded as a percentage of the total 1072  
possible points on the performance index system as created by 1073  
the department. In adopting benchmarks for assigning letter 1074  
grades under division (B) (1) (b) of this section, the state board 1075  
shall designate ninety per cent or higher for an "A," at least 1076  
seventy per cent but not more than eighty per cent for a "C," 1077

and less than fifty per cent for an "F." 1078

(c) The extent to which the school district or building 1079  
meets each of the applicable performance indicators established 1080  
by the state board under section 3302.03 of the Revised Code and 1081  
the percentage of applicable performance indicators that have 1082  
been achieved. In adopting benchmarks for assigning letter 1083  
grades under division (B) (1) (c) of this section, the state board 1084  
shall designate ninety per cent or higher for an "A." 1085

(d) The four- and five-year adjusted cohort graduation 1086  
rates; 1087

(e) The overall score under the value-added progress 1088  
dimension of a school district or building, for which the 1089  
department shall use up to three years of value-added data as 1090  
available. 1091

(f) The value-added progress dimension score for a school 1092  
district or building disaggregated for each of the following 1093  
subgroups: students identified as gifted in superior cognitive 1094  
ability and specific academic ability fields under Chapter 3324. 1095  
of the Revised Code, students with disabilities, and students 1096  
whose performance places them in the lowest quintile for 1097  
achievement on a statewide basis. Each subgroup shall be a 1098  
separate graded measure. 1099

(g) Whether a school district or building is making 1100  
progress in improving literacy in grades kindergarten through 1101  
three, as determined using a method prescribed by the state 1102  
board. The state board shall adopt rules to prescribe benchmarks 1103  
and standards for assigning grades to districts and buildings 1104  
for purposes of division (B) (1) (g) of this section. In adopting 1105  
benchmarks for assigning letter grades under divisions (B) (1) (g) 1106

and (C) (1) (g) of this section, the state board shall determine 1107  
progress made based on the reduction in the total percentage of 1108  
students scoring below grade level, or below proficient, 1109  
compared from year to year on the reading and writing diagnostic 1110  
assessments administered under section 3301.0715 of the Revised 1111  
Code and the third grade English language arts assessment under 1112  
section 3301.0710 of the Revised Code, as applicable. The state 1113  
board shall designate for a "C" grade a value that is not lower 1114  
than the statewide average value for this measure. No grade 1115  
shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this 1116  
section for a district or building in which less than five per 1117  
cent of students have scored below grade level on the diagnostic 1118  
assessment administered to students in kindergarten under 1119  
division (B) (1) of section 3313.608 of the Revised Code. 1120

(h) For a high mobility school district or building, an 1121  
additional value-added progress dimension score. For this 1122  
measure, the department shall use value-added data from the most 1123  
recent school year available and shall use assessment scores for 1124  
only those students to whom the district or building has 1125  
administered the assessments prescribed by section 3301.0710 of 1126  
the Revised Code for each of the two most recent consecutive 1127  
school years. 1128

As used in this division, "high mobility school district 1129  
or building" means a school district or building where at least 1130  
twenty-five per cent of its total enrollment is made up of 1131  
students who have attended that school district or building for 1132  
less than one year. 1133

(2) In addition to the graded measures in division (B) (1) 1134  
of this section, the department shall include on a school 1135  
district's or building's report card all of the following 1136

without an assigned letter grade:	1137
(a) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;	1138 1139 1140 1141
(b) The number of a district's or building's students who have earned at least three college credits through dual enrollment or advanced standing programs, such as the post-secondary enrollment options program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's transcript or other official document, either of which is issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B) (2) (b) and (C) (2) (c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.	1142 1143 1144 1145 1146 1147 1148 1149 1150 1151 1152 1153 1154
(c) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code;	1155 1156 1157 1158 1159 1160
(d) The percentage of the district's or the building's students who receive industry-recognized credentials. The state board shall adopt criteria for acceptable industry-recognized credentials.	1161 1162 1163 1164
(e) The percentage of students enrolled in a district or	1165



building who are participating in an international baccalaureate 1166  
program and the percentage of those students who receive a score 1167  
of four or better on the international baccalaureate 1168  
examinations. 1169

(f) The percentage of the district's or building's 1170  
students who receive an honors diploma under division (B) of 1171  
section 3313.61 of the Revised Code. 1172

(3) Not later than December 31, 2013, the state board 1173  
shall adopt rules in accordance with Chapter 119. of the Revised 1174  
Code that prescribe the methods by which the performance 1175  
measures under divisions (B) (1) (f) and (B) (1) (g) of this section 1176  
will be assessed and assigned a letter grade, including 1177  
performance benchmarks for each grade. 1178

At least forty-five days prior to the state board's 1179  
adoption of rules to prescribe the methods by which the 1180  
performance measures under division (B) (1) of this section shall 1181  
be assessed and assigned a letter grade, the department shall 1182  
conduct a public presentation before the standing committees of 1183  
the house of representatives and the senate that consider 1184  
education legislation describing such methods, including 1185  
performance benchmarks. 1186

(4) There shall not be an overall letter grade for a 1187  
school district or building for the 2013-2014 school year. 1188

(C) (1) For the 2014-2015 school year and each school year 1189  
thereafter, the department shall issue grades as described in 1190  
division (E) of this section for each of the performance 1191  
measures prescribed in division (C) (1) of this section and an 1192  
overall letter grade based on an aggregate of those measures, 1193  
except for the performance measure set forth in division (C) (1) 1194

(h) of this section. The graded measures are as follows:	1195
(a) Annual measurable objectives;	1196
(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (C) (1) (b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."	1197 1198 1199 1200 1201 1202 1203 1204
(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (C) (1) (c) of this section, the state board shall designate ninety per cent or higher for an "A."	1205 1206 1207 1208 1209 1210 1211
(d) The four- and five-year adjusted cohort graduation rates;	1212 1213
(e) The overall score under the value-added progress dimension, or another measure of student academic progress if adopted by the state board, of a school district or building, for which the department shall use up to three years of value-added data as available.	1214 1215 1216 1217 1218
In adopting benchmarks for assigning letter grades for overall score on value-added progress dimension under division (C) (1) (e) of this section, the state board shall prohibit the assigning of a grade of "A" for that measure unless the district's or building's grade assigned for value-added progress	1219 1220 1221 1222 1223

dimension for all subgroups under division (C) (1) (f) of this 1224  
section is a "B" or higher. 1225

For the metric prescribed by division (C) (1) (e) of this 1226  
section, the state board may adopt a student academic progress 1227  
measure to be used instead of the value-added progress 1228  
dimension. If the state board adopts such a measure, it also 1229  
shall prescribe a method for assigning letter grades for the new 1230  
measure that is comparable to the method prescribed in division 1231  
(A) (1) (e) of this section. 1232

(f) The value-added progress dimension score of a school 1233  
district or building disaggregated for each of the following 1234  
subgroups: students identified as gifted in superior cognitive 1235  
ability and specific academic ability fields under Chapter 3324. 1236  
of the Revised Code, students with disabilities, and students 1237  
whose performance places them in the lowest quintile for 1238  
achievement on a statewide basis, as determined by a method 1239  
prescribed by the state board. Each subgroup shall be a separate 1240  
graded measure. 1241

The state board may adopt student academic progress 1242  
measures to be used instead of the value-added progress 1243  
dimension. If the state board adopts such measures, it also 1244  
shall prescribe a method for assigning letter grades for the new 1245  
measures that is comparable to the method prescribed in division 1246  
(A) (1) (e) of this section. 1247

(g) Whether a school district or building is making 1248  
progress in improving literacy in grades kindergarten through 1249  
three, as determined using a method prescribed by the state 1250  
board. The state board shall adopt rules to prescribe benchmarks 1251  
and standards for assigning grades to a district or building for 1252  
purposes of division (C) (1) (g) of this section. The state board 1253

shall designate for a "C" grade a value that is not lower than 1254  
the statewide average value for this measure. No grade shall be 1255  
issued under division (C) (1) (g) of this section for a district 1256  
or building in which less than five per cent of students have 1257  
scored below grade level on the kindergarten diagnostic 1258  
assessment under division (B) (1) of section 3313.608 of the 1259  
Revised Code. 1260

(h) For a high mobility school district or building, an 1261  
additional value-added progress dimension score. For this 1262  
measure, the department shall use value-added data from the most 1263  
recent school year available and shall use assessment scores for 1264  
only those students to whom the district or building has 1265  
administered the assessments prescribed by section 3301.0710 of 1266  
the Revised Code for each of the two most recent consecutive 1267  
school years. 1268

As used in this division, "high mobility school district 1269  
or building" means a school district or building where at least 1270  
twenty-five per cent of its total enrollment is made up of 1271  
students who have attended that school district or building for 1272  
less than one year. 1273

(2) In addition to the graded measures in division (C) (1) 1274  
of this section, the department shall include on a school 1275  
district's or building's report card all of the following 1276  
without an assigned letter grade: 1277

(a) The percentage of students enrolled in a district or 1278  
building who have taken a national standardized test used for 1279  
college admission determinations and the percentage of those 1280  
students who are determined to be remediation-free in accordance 1281  
with the standards adopted under division (F) of section 1282  
3345.061 of the Revised Code; 1283

(b) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;

(c) The percentage of a district's or building's students who have earned at least three college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B) (2) (b) and (C) (2) (c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.

(d) The percentage of the district's or building's students who receive an honor's diploma under division (B) of section 3313.61 of the Revised Code;

(e) The percentage of the district's or building's students who receive industry-recognized credentials;

(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations;

(g) The results of the college and career-ready assessments administered under division (B) (1) of section 3301.0712 of the Revised Code.

(3) The state board shall adopt rules pursuant to Chapter 1313  
119. of the Revised Code that establish a method to assign an 1314  
overall grade for a school district or school building for the 1315  
2014-2015 school year and each school year thereafter. The rules 1316  
shall group the performance measures in divisions (C)(1) and (2) 1317  
of this section into the following components: 1318

(a) Gap closing, which shall include the performance 1319  
measure in division (C)(1)(a) of this section; 1320

(b) Achievement, which shall include the performance 1321  
measures in divisions (C)(1)(b) and (c) of this section; 1322

(c) Progress, which shall include the performance measures 1323  
in divisions (C)(1)(e) and (f) of this section; 1324

(d) Graduation, which shall include the performance 1325  
measure in division (C)(1)(d) of this section; 1326

(e) Kindergarten through third-grade literacy, which shall 1327  
include the performance measure in division (C)(1)(g) of this 1328  
section; 1329

(f) Prepared for success, which shall include the 1330  
performance measures in divisions (C)(2)(a), (b), (c), (d), (e), 1331  
and (f) of this section. The state board shall develop a method 1332  
to determine a grade for the component in division (C)(3)(f) of 1333  
this section using the performance measures in divisions (C)(2) 1334  
(a), (b), (c), (d), (e), and (f) of this section. When 1335  
available, the state board may incorporate the performance 1336  
measure under division (C)(2)(g) of this section into the 1337  
component under division (C)(3)(f) of this section. When 1338  
determining the overall grade for the prepared for success 1339  
component prescribed by division (C)(3)(f) of this section, no 1340  
individual student shall be counted in more than one performance 1341

measure. However, if a student qualifies for more than one 1342  
performance measure in the component, the state board may, in 1343  
its method to determine a grade for the component, specify an 1344  
additional weight for such a student that is not greater than or 1345  
equal to 1.0. In determining the overall score under division 1346  
(C) (3) (f) of this section, the state board shall ensure that the 1347  
pool of students included in the performance measures aggregated 1348  
under that division are all of the students included in the 1349  
four- and five-year adjusted graduation cohort. 1350

In the rules adopted under division (C) (3) of this 1351  
section, the state board shall adopt a method for determining a 1352  
grade for each component in divisions (C) (3) (a) to (f) of this 1353  
section. The state board also shall establish a method to assign 1354  
an overall grade of "A," "B," "C," "D," or "F" using the grades 1355  
assigned for each component. The method the state board adopts 1356  
for assigning an overall grade shall give equal weight to the 1357  
components in divisions (C) (3) (b) and (c) of this section. 1358

At least forty-five days prior to the state board's 1359  
adoption of rules to prescribe the methods for calculating the 1360  
overall grade for the report card, as required by this division, 1361  
the department shall conduct a public presentation before the 1362  
standing committees of the house of representatives and the 1363  
senate that consider education legislation describing the format 1364  
for the report card, weights that will be assigned to the 1365  
components of the overall grade, and the method for calculating 1366  
the overall grade. 1367

(D) Not later than July 1, 2015, the state board shall 1368  
develop a measure of student academic progress for high school 1369  
students using only data from assessments in English language 1370  
arts and mathematics. For the 2014-2015 school year, the 1371

department shall include this measure on a school district or 1372  
building's report card, as applicable, without an assigned 1373  
letter grade. Beginning with the report card for the 2015-2016 1374  
school year, each school district and applicable school building 1375  
shall be assigned a separate letter grade for this measure and 1376  
the district's or building's grade for that measure shall be 1377  
included in determining the district's or building's overall 1378  
letter grade. This measure shall be included within the measure 1379  
prescribed in division (C) (3) (c) of this section in the 1380  
calculation for the overall letter grade. 1381

(E) The letter grades assigned to a school district or 1382  
building under this section shall be as follows: 1383

(1) "A" for a district or school making excellent 1384  
progress; 1385

(2) "B" for a district or school making above average 1386  
progress; 1387

(3) "C" for a district or school making average progress; 1388

(4) "D" for a district or school making below average 1389  
progress; 1390

(5) "F" for a district or school failing to meet minimum 1391  
progress. 1392

(F) When reporting data on student achievement and 1393  
progress, the department shall disaggregate that data according 1394  
to the following categories: 1395

(1) Performance of students by grade-level; 1396

(2) Performance of students by race and ethnic group; 1397

(3) Performance of students by gender; 1398



(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	1399 1400
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	1401 1402 1403
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	1404 1405
(7) Performance of students grouped by those who are economically disadvantaged;	1406 1407
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	1408 1409 1410
(9) Performance of students grouped by those who are classified as limited English proficient;	1411 1412
(10) Performance of students grouped by those who have disabilities;	1413 1414
(11) Performance of students grouped by those who are classified as migrants;	1415 1416
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	1417 1418 1419 1420 1421 1422 1423 1424 1425
(13) Performance of students grouped by those who perform	1426

in the lowest quintile for achievement on a statewide basis, as 1427  
determined by a method prescribed by the state board. 1428

The department may disaggregate data on student 1429  
performance according to other categories that the department 1430  
determines are appropriate. To the extent possible, the 1431  
department shall disaggregate data on student performance 1432  
according to any combinations of two or more of the categories 1433  
listed in divisions (F) (1) to (13) of this section that it deems 1434  
relevant. 1435

In reporting data pursuant to division (F) of this 1436  
section, the department shall not include in the report cards 1437  
any data statistical in nature that is statistically unreliable 1438  
or that could result in the identification of individual 1439  
students. For this purpose, the department shall not report 1440  
student performance data for any group identified in division 1441  
(F) of this section that contains less than ten students. If the 1442  
department does not report student performance data for a group 1443  
because it contains less than ten students, the department shall 1444  
indicate on the report card that is why data was not reported. 1445

(G) The department may include with the report cards any 1446  
additional education and fiscal performance data it deems 1447  
valuable. 1448

(H) The department shall include on each report card a 1449  
list of additional information collected by the department that 1450  
is available regarding the district or building for which the 1451  
report card is issued. When available, such additional 1452  
information shall include student mobility data disaggregated by 1453  
race and socioeconomic status, college enrollment data, and the 1454  
reports prepared under section 3302.031 of the Revised Code. 1455

The department shall maintain a site on the world wide 1456  
web. The report card shall include the address of the site and 1457  
shall specify that such additional information is available to 1458  
the public at that site. The department shall also provide a 1459  
copy of each item on the list to the superintendent of each 1460  
school district. The district superintendent shall provide a 1461  
copy of any item on the list to anyone who requests it. 1462

(I) Division (I) of this section does not apply to 1463  
conversion community schools that primarily enroll students 1464  
between sixteen and twenty-two years of age who dropped out of 1465  
high school or are at risk of dropping out of high school due to 1466  
poor attendance, disciplinary problems, or suspensions. 1467

(1) For any district that sponsors a conversion community 1468  
school under Chapter 3314. of the Revised Code, the department 1469  
shall combine data regarding the academic performance of 1470  
students enrolled in the community school with comparable data 1471  
from the schools of the district for the purpose of determining 1472  
the performance of the district as a whole on the report card 1473  
issued for the district under this section or section 3302.033 1474  
of the Revised Code. 1475

(2) Any district that leases a building to a community 1476  
school located in the district or that enters into an agreement 1477  
with a community school located in the district whereby the 1478  
district and the school endorse each other's programs may elect 1479  
to have data regarding the academic performance of students 1480  
enrolled in the community school combined with comparable data 1481  
from the schools of the district for the purpose of determining 1482  
the performance of the district as a whole on the district 1483  
report card. Any district that so elects shall annually file a 1484  
copy of the lease or agreement with the department. 1485

(3) Any municipal school district, as defined in section 1486  
3311.71 of the Revised Code, that sponsors a community school 1487  
located within the district's territory, or that enters into an 1488  
agreement with a community school located within the district's 1489  
territory whereby the district and the community school endorse 1490  
each other's programs, may exercise either or both of the 1491  
following elections: 1492

(a) To have data regarding the academic performance of 1493  
students enrolled in that community school combined with 1494  
comparable data from the schools of the district for the purpose 1495  
of determining the performance of the district as a whole on the 1496  
district's report card; 1497

(b) To have the number of students attending that 1498  
community school noted separately on the district's report card. 1499

The election authorized under division (I) (3) (a) of this 1500  
section is subject to approval by the governing authority of the 1501  
community school. 1502

Any municipal school district that exercises an election 1503  
to combine or include data under division (I) (3) of this 1504  
section, by the first day of October of each year, shall file 1505  
with the department documentation indicating eligibility for 1506  
that election, as required by the department. 1507

(J) The department shall include on each report card the 1508  
percentage of teachers in the district or building who are 1509  
highly qualified, as defined by the No Child Left Behind Act of 1510  
2001, and a comparison of that percentage with the percentages 1511  
of such teachers in similar districts and buildings. 1512

(K) (1) In calculating English language arts, mathematics, 1513  
social studies, or science assessment passage rates used to 1514

determine school district or building performance under this 1515  
section, the department shall include all students taking an 1516  
assessment with accommodation or to whom an alternate assessment 1517  
is administered pursuant to division (C) (1) or (3) of section 1518  
3301.0711 of the Revised Code. 1519

(2) In calculating performance index scores, rates of 1520  
achievement on the performance indicators established by the 1521  
state board under section 3302.02 of the Revised Code, and 1522  
annual measurable objectives for determining adequate yearly 1523  
progress for school districts and buildings under this section, 1524  
the department shall do all of the following: 1525

(a) Include for each district or building only those 1526  
students who are included in the ADM certified for the first 1527  
full school week of October and are continuously enrolled in the 1528  
district or building through the time of the spring 1529  
administration of any assessment prescribed by division (A) (1) 1530  
or (B) (1) of section 3301.0710 or division (B) of section 1531  
3301.0712 of the Revised Code that is administered to the 1532  
student's grade level; 1533

(b) ~~Include~~ For the 2013-2014 and 2014-2015 school year, 1534  
include cumulative totals from both the fall and spring 1535  
administrations of the third grade English language arts 1536  
achievement assessment; 1537

(c) Except as required by the No Child Left Behind Act of 1538  
2001, exclude for each district or building any limited English 1539  
proficient student who has been enrolled in United States 1540  
schools for less than one full school year. 1541

(L) Beginning with the 2015-2016 school year and at least 1542  
once every three years thereafter, the state board of education 1543

shall review and may adjust the benchmarks for assigning letter 1544  
grades to the performance measures and components prescribed 1545  
under divisions (C) (3) and (D) of this section. 1546

**Sec. 3302.13.** (A) This section applies to any school 1547  
district or community school that meets both of the following 1548  
criteria, as reported on the past two consecutive report cards 1549  
issued for that district or school under section 3302.03 of the 1550  
Revised Code: 1551

(1) The district or school received a grade of "D" or "F" 1552  
on the kindergarten through third-grade literacy progress 1553  
measure under division (C) (3) (e) of section 3302.03 of the 1554  
Revised Code. 1555

(2) Less than sixty per cent of the district's students 1556  
who took the third grade English language arts assessment 1557  
prescribed under section 3301.0710 of the Revised Code ~~during~~ 1558  
~~the most recent fall and spring administrations of that~~ 1559  
~~assessment for that school year~~ attained at least a proficient 1560  
score on that assessment. 1561

(B) By December 31, 2016, and by the thirty-first day of 1562  
each December thereafter, any school district or community 1563  
school that meets the criteria set forth in division (A) of this 1564  
section shall submit to the department of education a school or 1565  
district reading achievement improvement plan, which shall 1566  
include all requirements prescribed by the state board of 1567  
education pursuant to division (C) of this section. 1568

(C) Not later than December 31, 2014, the state board 1569  
shall adopt rules in accordance with Chapter 119. of the Revised 1570  
Code prescribing the content of and deadlines for the reading 1571  
achievement improvement plans required under division (B) of 1572

this section. The rules shall prescribe that each plan include, 1573  
at a minimum, an analysis of relevant student performance data, 1574  
measurable student performance goals, strategies to meet 1575  
specific student needs, a staffing and professional development 1576  
plan, and instructional strategies for improving literacy. 1577

(D) Any school district or community school to which this 1578  
section applies shall no longer be required to submit an 1579  
improvement plan pursuant to division (B) of this section when 1580  
that district or school meets either of the following criteria, 1581  
as reported on the most recent report card issued for that 1582  
district or school under section 3302.03 of the Revised Code: 1583

(1) The district or school received a grade of "C" or 1584  
higher on the kindergarten through third-grade literacy progress 1585  
measure under division (C) (3) (e) of section 3302.03 of the 1586  
Revised Code. 1587

(2) Not less than sixty per cent of the district's 1588  
students who took the third grade English language arts 1589  
assessment prescribed under section 3301.0710 of the Revised 1590  
Code ~~during the most recent fall and spring administrations of~~ 1591  
~~that assessment for that school year attain~~ attained at least a 1592  
proficient score on that assessment. 1593

(E) The department of education shall post in a prominent 1594  
location on its web site all plans submitted pursuant to this 1595  
section. 1596

Sec. 3302.16. (A) Notwithstanding anything to the contrary 1597  
in the Revised Code, a high-performing school district shall be 1598  
exempt from all of the following: 1599

(1) The teacher qualification requirements under the 1600  
third-grade reading guarantee, as prescribed under divisions (B) 1601

(3) (c) and (H) of section 3313.608 of the Revised Code. This 1602  
exemption does not relieve a teacher from holding a valid Ohio 1603  
license in a subject area and grade level determined appropriate 1604  
by the board of education of that district. 1605

(2) The mentoring component of the Ohio teacher residency 1606  
program established under division (A) (1) of section 3319.223 of 1607  
the Revised Code, so long as the district utilizes a local 1608  
approach to train and support new teachers; 1609

(3) Any provision of the Revised Code or rule or standard 1610  
of the state board of education prescribing a minimum or maximum 1611  
class size; 1612

(4) Any provision of the Revised Code or rule or standard 1613  
of the state board requiring teachers to be licensed 1614  
specifically in the subject area or grade level in which they 1615  
are teaching, except unless otherwise prescribed by federal law. 1616  
This exemption does not relieve a teacher from holding a valid 1617  
Ohio license in at least some subject area or grade level 1618  
determined appropriate by the district board. 1619

(B) (1) Notwithstanding anything to the contrary in the 1620  
Revised Code, including sections 3319.30 and 3319.36 of the 1621  
Revised Code, the superintendent of a high-performing school 1622  
district may employ an individual who is not licensed as 1623  
required by sections 3319.22 to 3319.30 of the Revised Code, but 1624  
who is otherwise qualified based on experience, to teach classes 1625  
in the district, so long as the board of education of the school 1626  
district approves the individual's employment and provides 1627  
mentoring and professional development opportunities to that 1628  
individual, as determined necessary by the board. 1629

(2) As a condition of employment under this section, an 1630



individual shall be subject to a criminal records check as 1631  
prescribed by section 3319.391 of the Revised Code. 1632

(C) Notwithstanding anything to the contrary in the 1633  
Revised Code, noncompliance with any of the requirements listed 1634  
in divisions (A) or (B) of this section shall not disqualify a 1635  
high-performing school district from receiving funds under 1636  
Chapter 3317. of the Revised Code. 1637

(D) As used in this section: 1638

(1) "High-performing school district" means a city, local, 1639  
or exempted village school district that meets all of the 1640  
following benchmarks on the most recent report card issued for 1641  
that district under section 3302.03 of the Revised Code: 1642

(a) The district received at least eighty-five per cent of 1643  
the total possible points for the performance index score 1644  
calculated under division (C) (1) (b) of that section; 1645

(b) The district received a grade of an "A" for 1646  
performance indicators met under division (C) (1) (c) of that 1647  
section; 1648

(c) The district has a four-year adjusted cohort 1649  
graduation rate of at least ninety-three per cent and a five- 1650  
year adjusted cohort graduation rate of at least ninety-five per 1651  
cent, as calculated under division (C) (1) (d) of that section. 1652

(2) "License" has the same meaning as in section 3319.31 1653  
of the Revised Code. 1654

**Sec. 3313.46.** (A) In addition to any other law governing 1655  
the bidding for contracts by the board of education of any 1656  
school district, when any such board determines to build, 1657  
repair, enlarge, improve, or demolish any school building, the 1658

cost of which will exceed ~~twenty-five~~fifty thousand dollars, 1659  
except in cases of urgent necessity, or for the security and 1660  
protection of school property, and except as otherwise provided 1661  
in division (D) of section 713.23 and in section 125.04 of the 1662  
Revised Code, all of the following shall apply: 1663

(1) The board shall cause to be prepared the plans, 1664  
specifications, and related information as required in divisions 1665  
(A) (1), (2), and (3) of section 153.01 of the Revised Code 1666  
unless the board determines that other information is sufficient 1667  
to inform any bidders of the board's requirements. However, if 1668  
the board determines that such other information is sufficient 1669  
for bidding a project, the board shall not engage in the 1670  
construction of any such project involving the practice of 1671  
professional engineering, professional surveying, or 1672  
architecture, for which plans, specifications, and estimates 1673  
have not been made by, and the construction thereof inspected 1674  
by, a licensed professional engineer, licensed professional 1675  
surveyor, or registered architect. 1676

(2) The board shall advertise for bids once each week for 1677  
a period of not less than two consecutive weeks, or as provided 1678  
in section 7.16 of the Revised Code, in a newspaper of general 1679  
circulation in the district before the date specified by the 1680  
board for receiving bids. The board may also cause notice to be 1681  
inserted in trade papers or other publications designated by it 1682  
or to be distributed by electronic means, including posting the 1683  
notice on the board's internet web site. If the board posts the 1684  
notice on its web site, it may eliminate the second notice 1685  
otherwise required to be published in a newspaper of general 1686  
circulation within the school district, provided that the first 1687  
notice published in such newspaper meets all of the following 1688  
requirements: 1689

- (a) It is published at least two weeks before the opening of bids. 1690  
1691
- (b) It includes a statement that the notice is posted on the board of education's internet web site. 1692  
1693
- (c) It includes the internet address of the board's internet web site. 1694  
1695
- (d) It includes instructions describing how the notice may be accessed on the board's internet web site. 1696  
1697
- (3) Unless the board extends the time for the opening of bids they shall be opened at the time and place specified by the board in the advertisement for the bids. 1698  
1699  
1700
- (4) Each bid shall contain the name of every person interested therein. Each bid shall meet the requirements of section 153.54 of the Revised Code. 1701  
1702  
1703
- (5) When both labor and materials are embraced in the work bid for, the board may require that each be separately stated in the bid, with the price thereof, or may require that bids be submitted without such separation. 1704  
1705  
1706  
1707
- (6) None but the lowest responsible bid shall be accepted. The board may reject all the bids, or accept any bid for both labor and material for such improvement or repair, which is the lowest in the aggregate. In all other respects, the award of contracts for improvement or repair, but not for purchases made under section 3327.08 of the Revised Code, shall be pursuant to section 153.12 of the Revised Code. 1708  
1709  
1710  
1711  
1712  
1713  
1714
- (7) The contract shall be between the board and the bidders. The board shall pay the contract price for the work pursuant to sections 153.13 and 153.14 of the Revised Code. The 1715  
1716  
1717

board shall approve and retain the estimates referred to in 1718  
section 153.13 of the Revised Code and make them available to 1719  
the auditor of state upon request. 1720

(8) When two or more bids are equal, in the whole, or in 1721  
any part thereof, and are lower than any others, either may be 1722  
accepted, but in no case shall the work be divided between such 1723  
bidders. 1724

(9) When there is reason to believe there is collusion or 1725  
combination among the bidders, or any number of them, the bids 1726  
of those concerned therein shall be rejected. 1727

(B) Division (A) of this section does not apply to the 1728  
board of education of any school district in any of the 1729  
following situations: 1730

(1) The acquisition of educational materials used in 1731  
teaching. 1732

(2) If the board determines and declares by resolution 1733  
adopted by two-thirds of all its members that any item is 1734  
available and can be acquired only from a single source. 1735

(3) If the board declares by resolution adopted by two- 1736  
thirds of all its members that division (A) of this section does 1737  
not apply to any installation, modification, or remodeling 1738  
involved in any energy conservation measure undertaken through 1739  
an installment payment contract under section 3313.372 of the 1740  
Revised Code or undertaken pursuant to division (G) of section 1741  
133.06 of the Revised Code. 1742

(4) The acquisition of computer software for instructional 1743  
purposes and computer hardware for instructional purposes 1744  
pursuant to division (B) (4) of section 3313.37 of the Revised 1745  
Code. 1746

(C) No resolution adopted pursuant to division (B) (2) or 1747  
(3) of this section shall have any effect on whether sections 1748  
153.12 to 153.14 and 153.54 of the Revised Code apply to the 1749  
board of education of any school district with regard to any 1750  
item. 1751

**Sec. 3313.72.** The board of education of a city, exempted 1752  
village, or local school district may enter into a contract with 1753  
a health district, a hospital registered under section 3701.07 1754  
of the Revised Code, an appropriately licensed health care 1755  
professional, or an educational service center for the purpose 1756  
of providing the services of a school physician, dentist, or 1757  
nurse. 1758

**Sec. 3314.03.** A copy of every contract entered into under 1759  
this section shall be filed with the superintendent of public 1760  
instruction. The department of education shall make available on 1761  
its web site a copy of every approved, executed contract filed 1762  
with the superintendent under this section. 1763

(A) Each contract entered into between a sponsor and the 1764  
governing authority of a community school shall specify the 1765  
following: 1766

(1) That the school shall be established as either of the 1767  
following: 1768

(a) A nonprofit corporation established under Chapter 1769  
1702. of the Revised Code, if established prior to April 8, 1770  
2003; 1771

(b) A public benefit corporation established under Chapter 1772  
1702. of the Revised Code, if established after April 8, 2003. 1773

(2) The education program of the school, including the 1774  
school's mission, the characteristics of the students the school 1775

is expected to attract, the ages and grades of students, and the	1776
focus of the curriculum;	1777
(3) The academic goals to be achieved and the method of	1778
measurement that will be used to determine progress toward those	1779
goals, which shall include the statewide achievement	1780
assessments;	1781
(4) Performance standards by which the success of the	1782
school will be evaluated by the sponsor;	1783
(5) The admission standards of section 3314.06 of the	1784
Revised Code and, if applicable, section 3314.061 of the Revised	1785
Code;	1786
(6) (a) Dismissal procedures;	1787
(b) A requirement that the governing authority adopt an	1788
attendance policy that includes a procedure for automatically	1789
withdrawing a student from the school if the student without a	1790
legitimate excuse fails to participate in one hundred five	1791
consecutive hours of the learning opportunities offered to the	1792
student.	1793
(7) The ways by which the school will achieve racial and	1794
ethnic balance reflective of the community it serves;	1795
(8) Requirements for financial audits by the auditor of	1796
state. The contract shall require financial records of the	1797
school to be maintained in the same manner as are financial	1798
records of school districts, pursuant to rules of the auditor of	1799
state. Audits shall be conducted in accordance with section	1800
117.10 of the Revised Code.	1801
(9) The facilities to be used and their locations;	1802
(10) Qualifications of teachers, including a requirement	1803

that the school's classroom teachers be licensed in accordance 1804  
with sections 3319.22 to 3319.31 of the Revised Code, except 1805  
that a community school may engage noncertificated persons to 1806  
teach up to twelve hours per week pursuant to section 3319.301 1807  
of the Revised Code. 1808

(11) That the school will comply with the following 1809  
requirements: 1810

(a) The school will provide learning opportunities to a 1811  
minimum of twenty-five students for a minimum of nine hundred 1812  
twenty hours per school year. 1813

(b) The governing authority will purchase liability 1814  
insurance, or otherwise provide for the potential liability of 1815  
the school. 1816

(c) The school will be nonsectarian in its programs, 1817  
admission policies, employment practices, and all other 1818  
operations, and will not be operated by a sectarian school or 1819  
religious institution. 1820

(d) The school will comply with sections 9.90, 9.91, 1821  
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 1822  
3301.0711, 3301.0712, 3301.0715, 3301.0728, 3301.948, 3313.472, 1823  
3313.50, 3313.536, 3313.539, 3313.608, 3313.609, 3313.6012, 1824  
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 1825  
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 1826  
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 1827  
3313.716, 3313.718, 3313.719, 3313.7112, 3313.80, 3313.814, 1828  
3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 1829  
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 1830  
3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 1831  
3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1832

1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of 1833  
the Revised Code as if it were a school district and will comply 1834  
with section 3301.0714 of the Revised Code in the manner 1835  
specified in section 3314.17 of the Revised Code. 1836

(e) The school shall comply with Chapter 102. and section 1837  
2921.42 of the Revised Code. 1838

(f) The school will comply with sections 3313.61, 1839  
3313.611, and 3313.614 of the Revised Code, except that for 1840  
students who enter ninth grade for the first time before July 1, 1841  
2010, the requirement in sections 3313.61 and 3313.611 of the 1842  
Revised Code that a person must successfully complete the 1843  
curriculum in any high school prior to receiving a high school 1844  
diploma may be met by completing the curriculum adopted by the 1845  
governing authority of the community school rather than the 1846  
curriculum specified in Title XXXVIII of the Revised Code or any 1847  
rules of the state board of education. Beginning with students 1848  
who enter ninth grade for the first time on or after July 1, 1849  
2010, the requirement in sections 3313.61 and 3313.611 of the 1850  
Revised Code that a person must successfully complete the 1851  
curriculum of a high school prior to receiving a high school 1852  
diploma shall be met by completing the requirements prescribed 1853  
in division (C) of section 3313.603 of the Revised Code, unless 1854  
the person qualifies under division (D) or (F) of that section. 1855  
Each school shall comply with the plan for awarding high school 1856  
credit based on demonstration of subject area competency, 1857  
adopted by the state board of education under division (J) of 1858  
section 3313.603 of the Revised Code. 1859

(g) The school governing authority will submit within four 1860  
months after the end of each school year a report of its 1861  
activities and progress in meeting the goals and standards of 1862



divisions (A) (3) and (4) of this section and its financial 1863  
status to the sponsor and the parents of all students enrolled 1864  
in the school. 1865

(h) The school, unless it is an internet- or computer- 1866  
based community school, will comply with section 3313.801 of the 1867  
Revised Code as if it were a school district. 1868

(i) If the school is the recipient of moneys from a grant 1869  
awarded under the federal race to the top program, Division (A), 1870  
Title XIV, Sections 14005 and 14006 of the "American Recovery 1871  
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 1872  
the school will pay teachers based upon performance in 1873  
accordance with section 3317.141 and will comply with section 1874  
3319.111 of the Revised Code as if it were a school district. 1875

(12) Arrangements for providing health and other benefits 1876  
to employees; 1877

(13) The length of the contract, which shall begin at the 1878  
beginning of an academic year. No contract shall exceed five 1879  
years unless such contract has been renewed pursuant to division 1880  
(E) of this section. 1881

(14) The governing authority of the school, which shall be 1882  
responsible for carrying out the provisions of the contract; 1883

(15) A financial plan detailing an estimated school budget 1884  
for each year of the period of the contract and specifying the 1885  
total estimated per pupil expenditure amount for each such year. 1886

(16) Requirements and procedures regarding the disposition 1887  
of employees of the school in the event the contract is 1888  
terminated or not renewed pursuant to section 3314.07 of the 1889  
Revised Code; 1890

(17) Whether the school is to be created by converting all 1891  
or part of an existing public school or educational service 1892  
center building or is to be a new start-up school, and if it is 1893  
a converted public school or service center building, 1894  
specification of any duties or responsibilities of an employer 1895  
that the board of education or service center governing board 1896  
that operated the school or building before conversion is 1897  
delegating to the governing authority of the community school 1898  
with respect to all or any specified group of employees provided 1899  
the delegation is not prohibited by a collective bargaining 1900  
agreement applicable to such employees; 1901

(18) Provisions establishing procedures for resolving 1902  
disputes or differences of opinion between the sponsor and the 1903  
governing authority of the community school; 1904

(19) A provision requiring the governing authority to 1905  
adopt a policy regarding the admission of students who reside 1906  
outside the district in which the school is located. That policy 1907  
shall comply with the admissions procedures specified in 1908  
sections 3314.06 and 3314.061 of the Revised Code and, at the 1909  
sole discretion of the authority, shall do one of the following: 1910

(a) Prohibit the enrollment of students who reside outside 1911  
the district in which the school is located; 1912

(b) Permit the enrollment of students who reside in 1913  
districts adjacent to the district in which the school is 1914  
located; 1915

(c) Permit the enrollment of students who reside in any 1916  
other district in the state. 1917

(20) A provision recognizing the authority of the 1918  
department of education to take over the sponsorship of the 1919

school in accordance with the provisions of division (C) of 1920  
section 3314.015 of the Revised Code; 1921

(21) A provision recognizing the sponsor's authority to 1922  
assume the operation of a school under the conditions specified 1923  
in division (B) of section 3314.073 of the Revised Code; 1924

(22) A provision recognizing both of the following: 1925

(a) The authority of public health and safety officials to 1926  
inspect the facilities of the school and to order the facilities 1927  
closed if those officials find that the facilities are not in 1928  
compliance with health and safety laws and regulations; 1929

(b) The authority of the department of education as the 1930  
community school oversight body to suspend the operation of the 1931  
school under section 3314.072 of the Revised Code if the 1932  
department has evidence of conditions or violations of law at 1933  
the school that pose an imminent danger to the health and safety 1934  
of the school's students and employees and the sponsor refuses 1935  
to take such action. 1936

(23) A description of the learning opportunities that will 1937  
be offered to students including both classroom-based and non- 1938  
classroom-based learning opportunities that is in compliance 1939  
with criteria for student participation established by the 1940  
department under division (H) (2) of section 3314.08 of the 1941  
Revised Code; 1942

(24) The school will comply with sections 3302.04 and 1943  
3302.041 of the Revised Code, except that any action required to 1944  
be taken by a school district pursuant to those sections shall 1945  
be taken by the sponsor of the school. However, the sponsor 1946  
shall not be required to take any action described in division 1947  
(F) of section 3302.04 of the Revised Code. 1948

(25) Beginning in the 2006-2007 school year, the school 1949  
will open for operation not later than the thirtieth day of 1950  
September each school year, unless the mission of the school as 1951  
specified under division (A)(2) of this section is solely to 1952  
serve dropouts. In its initial year of operation, if the school 1953  
fails to open by the thirtieth day of September, or within one 1954  
year after the adoption of the contract pursuant to division (D) 1955  
of section 3314.02 of the Revised Code if the mission of the 1956  
school is solely to serve dropouts, the contract shall be void. 1957

(26) Whether the school's governing authority is planning 1958  
to seek designation for the school as a STEM school equivalent 1959  
under section 3326.032 of the Revised Code. 1960

(B) The community school shall also submit to the sponsor 1961  
a comprehensive plan for the school. The plan shall specify the 1962  
following: 1963

(1) The process by which the governing authority of the 1964  
school will be selected in the future; 1965

(2) The management and administration of the school; 1966

(3) If the community school is a currently existing public 1967  
school or educational service center building, alternative 1968  
arrangements for current public school students who choose not 1969  
to attend the converted school and for teachers who choose not 1970  
to teach in the school or building after conversion; 1971

(4) The instructional program and educational philosophy 1972  
of the school; 1973

(5) Internal financial controls. 1974

(C) A contract entered into under section 3314.02 of the 1975  
Revised Code between a sponsor and the governing authority of a 1976

community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;

(3) Report on an annual basis the results of the evaluation conducted under division (D) (2) of this section to the department of education and to the parents of students enrolled in the community school;

(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;

(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section

3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;

(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

**Sec. 3326.11.** Each science, technology, engineering, and mathematics school established under this chapter and its governing body shall comply with sections 9.90, 9.91, 109.65,

121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 2036  
3301.0714, 3301.0715, 3301.0728, 3301.948, 3313.14, 3313.15, 2037  
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 2038  
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.608, 2039  
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.61, 2040  
3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 3313.6411, 2041  
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 2042  
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 2043  
3313.718, 3313.719, 3313.7112, 3313.80, 3313.801, 3313.814, 2044  
3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 2045  
3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 2046  
3319.45, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 2047  
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 2048  
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 2049  
4112., 4123., 4141., and 4167. of the Revised Code as if it were 2050  
a school district. 2051

**Sec. 3328.24.** A college-preparatory boarding school 2052  
established under this chapter and its board of trustees shall 2053  
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 2054  
3301.0714, 3301.0728, 3301.948, 3313.536, 3313.6013, 3313.6411, 2055  
3313.7112, 3313.89, 3319.39, and 3319.391 and Chapter 3365. of 2056  
the Revised Code as if the school were a school district and the 2057  
school's board of trustees were a district board of education. 2058

**Section 2.** That existing sections 3301.079, 3301.0711, 2059  
3301.0715, 3302.02, 3302.03, 3302.13, 3313.46, 3313.72, 3314.03, 2060  
3326.11, and 3328.24 of the Revised Code are hereby repealed. 2061

**Section 3.** (A) Not later than December 15, 2015, the Ohio 2062  
School Facilities Commission shall develop and submit to the 2063  
General Assembly, in accordance with section 101.68 of the 2064  
Revised Code, a proposal for legislative provisions under which 2065

high-performing school districts that have not yet received 2066  
assistance under the Classroom Facilities Assistance Program, 2067  
upon becoming eligible for assistance under that program, based 2068  
on the annual percentile rankings under section 3318.011 of the 2069  
Revised Code, may apply for and receive a portion of the state 2070  
funds they are eligible for under that program to use for 2071  
technology, building expansion, and physical alterations to 2072  
improve school safety or security. 2073

(B) As used in this section: 2074

(1) "High-performing school district" has the same meaning 2075  
as in division (D) (1) of section 3302.16 of the Revised Code. 2076

(2) The "Classroom Facilities Assistance Program" means 2077  
the program authorized under sections 3318.01 to 3318.20 of the 2078  
Revised Code. 2079

**Section 4.** The General Assembly, applying the principle 2080  
stated in division (B) of section 1.52 of the Revised Code that 2081  
amendments are to be harmonized if reasonably capable of 2082  
simultaneous operation, finds that the following sections, 2083  
presented in this act as composites of the sections as amended 2084  
by the acts indicated, are the resulting versions of the 2085  
sections in effect prior to the effective date of the sections 2086  
as presented in this act: 2087

Section 3326.11 of the Revised Code as amended by Sub. 2088  
H.B. 264, Sub. H.B. 393, and Am. Sub. H.B. 487, all of the 130th 2089  
General Assembly. 2090

Section 3328.24 of the Revised Code as amended by Sub. 2091  
H.B. 264, Sub. H.B. 393, and Am. Sub. H.B. 487, all of the 130th 2092  
General Assembly. 2093